

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 429**  
94TH GENERAL ASSEMBLY

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Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, March 8, 2007, with recommendation that the Senate Committee Substitute do pass.

0635S.04C

TERRY L. SPIELER, Secretary.

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**AN ACT**

To repeal sections 191.225, 565.072, 595.030, and 595.209, RSMo, and to enact in lieu thereof seventeen new sections relating to crime victims, with penalty provisions.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 191.225, 565.072, 595.030, and 595.209, RSMo, are  
2 repealed and seventeen new sections enacted in lieu thereof, to be known as  
3 sections 191.220, 191.225, 455.003, 565.072, 566.224, 566.226, 589.660, 589.663,  
4 589.666, 589.669, 589.672, 589.675, 589.678, 589.681, 589.683, 595.030, and  
5 595.209, to read as follows:

191.220. 1. This section shall be known and may be cited as  
2 "Christy's Law".

3 2. The department of health and senior services shall require all  
4 health care personnel involved in the examination and treatment of  
5 rape victims to inform such victims of their right to request a drug test  
6 for the presence of a date rape drug. After informing rape victims of  
7 their right to request such a drug test, the health care provider shall:

8 (1) Provide the victim with a release form to sign stating that the  
9 victim has been informed of the victim's right to request such a drug  
10 test; and

11 (2) If such a drug test is requested, to administer the test and  
12 include any results from the test with all other evidence and test  
13 results collected during the rape examination and shall be treated in  
14 the same manner as other evidence and test results so collected.

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

15           **3. As used in this section, "date rape drug" means any drug which**  
16 **can be used to assist in the commission of a sexual assault. Such drugs**  
17 **include any drugs that commonly have sedative, hypnotic, and amnestic**  
18 **affects, and when used to facilitate rape are often added to a food or**  
19 **drink without the victim's knowledge.**

20           **4. The department may promulgate rules to implement the**  
21 **provisions of this section. Any rule or portion of a rule, as that term is**  
22 **defined in section 536.010, RSMo, that is created under the authority**  
23 **delegated in this section shall become effective only if it complies with**  
24 **and is subject to all of the provisions of chapter 536, RSMo, and, if**  
25 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo,**  
26 **are nonseverable and if any of the powers vested with the general**  
27 **assembly pursuant to chapter 536, RSMo, to review, to delay the**  
28 **effective date, or to disapprove and annul a rule are subsequently held**  
29 **unconstitutional, then the grant of rulemaking authority and any rule**  
30 **proposed or adopted after August 28, 2007, shall be invalid and void.**

191.225. 1. The department of health and senior services shall make  
2 payments to [hospitals and physicians] **appropriate medical providers**, out  
3 of appropriations made for that purpose, to cover the [cost] **charges** of the  
4 **[medical] forensic** examination [not covered by insurance, Medicare or Medicaid]  
5 of persons who may be a victim of [the crime of rape as defined in section  
6 566.030, RSMo, or a victim of a crime as defined in chapter 566, RSMo, or  
7 sections 568.020, 568.050, 568.060, 568.080, 568.090, 568.110, and 568.175,  
8 RSMo,] **a sexual offense** if:

9           (1) The victim or the victim's guardian consents in writing to the  
10 examination;

11           (2) The report of the examination is made on a form approved by the  
12 attorney general with the advice of the department of health and senior services;  
13 and

14           (3) The report of the examination is filed [by the victim] with the  
15 prosecuting attorney of the county in which the alleged incident occurred.  
16 **The appropriate medical provider shall file the report of the**  
17 **examination within seventy-two hours of completion of the forensic**  
18 **exam.**

19           2. A minor may consent to examination under this section. Such consent  
20 is not subject to disaffirmance because of minority, and consent of parent or

21 guardian of the minor is not required for such examination. The [hospital or  
22 physician] **appropriate medical provider** making the examination shall give  
23 written notice to the parent or guardian of a minor that such an examination has  
24 taken place.

25         3. The attorney general, with the advice of the department of health and  
26 senior services, shall develop the forms and procedures for gathering evidence  
27 **during the forensic examination** under the provisions of this section [and  
28 shall furnish every hospital and physician in this state with copies of such forms  
29 and procedures.

30         4. Reasonable hospital and physicians]. **The department of health  
31 and senior services shall develop a checklist for appropriate medical  
32 providers to refer to while providing medical treatment to victims of  
33 a sexual offense.**

34         4. Evidentiary collection kits shall be developed and made  
35 available, subject to appropriation, to appropriate medical providers  
36 by the highway patrol or its designees and eligible crime  
37 laboratories. Such kits shall be distributed with the forms and  
38 procedures for gathering evidence during forensic examinations of  
39 victims of a sexual offense to appropriate medical providers upon  
40 request of the provider, in the amount requested, and at no charge to  
41 the medical provider. All appropriate medical providers shall, with the  
42 consent of the victim, perform a forensic examination using the  
43 evidentiary collection kit and forms and procedures for gathering  
44 evidence and administer medical treatment following the checklist for  
45 any person presenting as a victim of a sexual offense.

46         5. All appropriate medical provider charges for eligible forensic  
47 examinations shall be billed to and paid by the department of health and senior  
48 services. **No appropriate medical provider conducting forensic  
49 examinations and providing medical treatment to victims of sexual  
50 offenses shall charge the victim for the forensic examination. For  
51 appropriate medical provider charges related to the medical treatment  
52 of victims of sexual offenses, if the victim is an eligible claimant under  
53 the crime victims' compensation fund, the appropriate medical provider  
54 shall seek compensation under sections 595.010 to 595.075, RSMo.**

55         6. For purposes of this section, the following terms mean:

56         (1) "Appropriate medical provider", any licensed nurse,

57 physician, or physician assistant, and any institution employing  
58 licensed nurses, physicians, or physician assistants; provided that such  
59 licensed professionals are the only persons at such institution to  
60 perform tasks under the provisions of this section;

61 (2) "Evidentiary collection kit", a kit used during a forensic  
62 examination that includes materials necessary for appropriate medical  
63 providers to gather evidence in accordance with the forms and  
64 procedures developed by the attorney general for forensic  
65 examinations;

66 (3) "Forensic examination", an examination performed by an  
67 appropriate medical provider on a victim of an alleged sexual offense  
68 to gather evidence for the evidentiary collection kit;

69 (4) "Medical treatment", the treatment of all injuries and health  
70 concerns resulting directly from a patient's sexual assault or  
71 victimization.

455.003. 1. In order to qualify to receive state funds, a rape crisis  
2 center shall:

3 (1) Require persons employed by or volunteering services to the  
4 rape crisis center to maintain confidentiality of any information that  
5 would identify individuals served by the center and any information or  
6 records that are directly related to the advocacy services provided to  
7 such individuals; and

8 (2) Prior to providing any advocacy services, inform individuals  
9 served by the rape crisis of the nature and scope of the confidentiality  
10 requirements of subdivision 1 of this subsection.

11 2. Any person employed by or volunteering services to a rape  
12 crisis center for victims of sexual assault shall be incompetent to testify  
13 concerning any confidential information in subsection 1 of this section,  
14 unless the confidentiality requirements is waived in writing by the  
15 individual served by the center.

16 3. As used in this section, the term "rape crisis center" shall mean  
17 any public or private agency that offers assistance to victims of sexual  
18 assault, as the term "sexual assault" is defined in section 455.010, who  
19 are adults, as defined by section 455.010.

565.072. 1. A person commits the crime of domestic assault in the first  
2 degree if he or she attempts to kill or knowingly causes or attempts to cause  
3 serious physical injury to a family or household member or an adult who is or has

4 been in a continuing social relationship of a romantic or intimate nature with the  
5 actor, as defined in section 455.010, RSMo.

6 2. Domestic assault in the first degree is a class B felony unless in the  
7 course thereof the actor inflicts serious physical injury on the victim **or has**  
8 **previously pleaded guilty to or been found guilty of committing this**  
9 **crime**, in which case it is a class A felony.

10 **566.224. No prosecuting or circuit attorney, peace officer,**  
11 **governmental official, or employee of a law enforcement agency shall**  
12 **request or require a victim of sexual assault under section 566.040,**  
13 **RSMo, or forcible rape under section 566.030, RSMo, to submit to any**  
14 **polygraph test or psychological stress evaluator exam as a condition for**  
15 **proceeding with a criminal investigation of such crime.**

16 **566.226. 1. After August 28, 2007, any information contained in**  
17 **any court record, whether written or published on the Internet, that**  
18 **could be used to identify or locate any victim of sexual assault or**  
19 **forcible rape shall be closed and redacted from such record prior to**  
20 **disclosure to the public. Identifying information shall include the**  
21 **name, home or temporary address, telephone number, social security**  
22 **number or physical characteristics.**

23 **2. If the court determines that a person or entity who is**  
24 **requesting identifying information of a victim has a legitimate interest**  
25 **in obtaining such information, the court may allow access to the**  
26 **information, but only if the court determines that disclosure to the**  
27 **person or entity would not compromise the welfare or safety of such**  
28 **victim.**

29 **589.660. As used in sections 589.660 to 589.681, the following**  
30 **terms mean:**

31 **(1) "Address", a residential street address, school address, or**  
32 **work address of a person, as specified on the person's application to be**  
33 **a program participant;**

34 **(2) "Application assistant", an employee of a state or local agency,**  
35 **or of a nonprofit program that provides counseling, referral, shelter, or**  
36 **other specialized service to victims of domestic violence, rape, sexual**  
37 **assault, or stalking, who has been designated by the respective agency**  
38 **or program, and who has been trained and registered by the secretary**  
39 **of state to assist individuals in the completion of program participation**  
40 **applications;**

13           (3) "Designated address", the address assigned to a program  
14 participant by the secretary;

15           (4) "Mailing address", an address that is recognized for delivery  
16 by the United States Postal Service;

17           (5) "Program", the address confidentiality program established  
18 in section 589.663;

19           (6) "Program participant", a person certified by the secretary of  
20 state as eligible to participate in the address confidentiality program;

21           (7) "Secretary", the secretary of state.

          589.663. There is created in the office of the secretary of state a  
2 program to be known as the "Address Confidentiality Program" to  
3 protect victims of domestic violence, rape, sexual assault, or stalking  
4 by authorizing the use of designated addresses for such victims and  
5 their minor children. The program shall be administered by the  
6 secretary under the following application and certification procedures:

7           (1) An adult person, a parent or guardian acting on behalf of a  
8 minor, or a guardian acting on behalf of an incapacitated person may  
9 apply to the secretary to have a designated address assigned by the  
10 secretary to serve as the person's address or the address of the minor  
11 or incapacitated person;

12           (2) The secretary may approve an application only if it is filed  
13 with the office of the secretary in the manner established by rule and  
14 on a form prescribed by the secretary. A completed application shall  
15 contain:

16           (a) The application preparation date, the applicant's signature,  
17 and the signature and registration number of the application assistant  
18 who assisted the applicant in applying to be a program participant;

19           (b) A designation of the secretary as agent for purposes of  
20 service of process and for receipt of first-class mail, legal documents,  
21 and certified mail;

22           (c) A sworn statement by the applicant that the applicant has  
23 good reason to believe that he or she:

24           a. Is a victim of domestic violence, rape, sexual assault, or  
25 stalking; and

26           b. Fears further violent acts from his or her assailant;

27           (d) The mailing address where the applicant may be contacted  
28 by the secretary or a designee and the telephone number or numbers

29 where the applicant may be called by the secretary or the secretary's  
30 designee; and

31 (e) One or more addresses that the applicant requests not be  
32 disclosed for the reason that disclosure will jeopardize the applicant's  
33 safety or increase the risk of violence to the applicant or members of  
34 the applicant's household;

35 (3) Upon receipt of a properly completed application, the  
36 secretary may certify the applicant as a program participant. A  
37 program participant is certified for four years following the date of  
38 initial certification unless the certification is withdrawn or cancelled  
39 before that date. The secretary shall send notification of lapsing  
40 certification and a reapplication form to a program participant at least  
41 four weeks prior to the expiration of the program participant's  
42 certification;

43 (4) The secretary shall forward first-class mail, legal documents,  
44 and certified mail to the appropriate program participants.

589.666. Certification of a program participant may be cancelled  
2 by the secretary if one or more of the following conditions apply:

3 (1) If the program participant obtains a name change, unless the  
4 program participant provides the secretary with documentation of a  
5 legal name change within ten business days of the name change;

6 (2) If there is a change in the mailing address from the person  
7 listed on the application, unless the program participant provides the  
8 secretary with notice of the change in such manner as the secretary  
9 provides by rule; or

10 (3) The applicant or program participant violates subsection 2  
11 of section 589.663.

589.669. Upon demonstration of a program participant's  
2 certification in the program, state and local agencies and the courts  
3 shall accept the designated address as a program participant's address  
4 when creating a new public record unless the secretary has determined  
5 that:

6 (1) The agency has a bona fide statutory or administrative  
7 requirement for the use of the program participant's address or mailing  
8 address, such that it is unable to fulfill its statutory duties and  
9 obligations without the address; and

10 (2) The program participant's address or mailing address shall

11 be used only for those statutory and administrative purposes.

589.672. If the secretary deems it appropriate, the secretary may  
2 make a program participant's address or mailing address available for  
3 inspection or copying, under the following circumstances:

4 (1) If requested of the secretary by a law enforcement agency in  
5 the manner provided for by rule; or

6 (2) Upon request to the secretary by a director of a state agency  
7 or the director's designee in the manner provided for by rule and upon  
8 a showing of a bona fide statutory or administrative requirement for  
9 the use of the program participant's address or mailing address, such  
10 that the director or the director's designee is unable to fulfill statutory  
11 duties and obligations without the address or mailing address.

589.675. If the secretary deems it appropriate, the secretary shall  
2 make a program participant's address and mailing address available for  
3 inspection or copying under the following circumstances:

4 (1) To a person identified in a court order, upon the secretary's  
5 receipt of such court order that specifically orders the disclosure of a  
6 particular program participant's address and mailing address and the  
7 reasons stated for the disclosure; or

8 (2) If the certification has been cancelled because the applicant  
9 or program participant violated subsection 2 of section 589.663.

589.678. A program participant's application and supporting  
2 materials are not a public record and shall be kept confidential by the  
3 secretary.

589.681. The secretary shall promulgate rules to establish and  
2 administer the address confidentiality program. Any rule or portion of  
3 a rule, as that term is defined in section 536.010, RSMo, that is created  
4 under the authority delegated in sections 589.660 to 589.681 shall  
5 become effective only if it complies with and is subject to all of the  
6 provisions of chapter 536, RSMo, and, if applicable, section 536.028,  
7 RSMo. This section and chapter 536, RSMo, are nonseverable and if any  
8 of the powers vested with the general assembly pursuant to chapter  
9 536, RSMo, to review, to delay the effective date, or to disapprove and  
10 annul a rule are subsequently held unconstitutional, then the grant of  
11 rulemaking authority and any rule proposed or adopted after August  
12 28, 2007, shall be invalid and void.

589.683. Pursuant to section 23.253, RSMo, of the Missouri Sunset

2 **Act:**

3 (1) Any new program authorized under sections 589.660 to  
4 589.681 shall automatically sunset six years after the effective date of  
5 sections 589.660 to 589.681 unless reauthorized by an act of the general  
6 assembly; and

7 (2) If such program is reauthorized, the program authorized  
8 under sections 589.660 to 589.681 shall automatically sunset twelve  
9 years after the effective date of the reauthorization of sections 589.660  
10 to 589.681; and

11 (3) Sections 589.660 to 589.681 shall terminate on September  
12 first of the calendar year immediately following the calendar year in  
13 which a program authorized under sections 589.660 to 589.681 is sunset.

595.030. 1. No compensation shall be paid unless the claimant has  
2 incurred an out-of-pocket loss of at least fifty dollars or has lost two continuous  
3 weeks of earnings or support from gainful employment. "Out-of-pocket loss" shall  
4 mean unreimbursed or unreimbursable expenses or indebtedness reasonably  
5 incurred:

6 (1) For medical care or other services, including psychiatric, psychological  
7 or counseling expenses, necessary as a result of the crime upon which the claim  
8 is based, except that the amount paid for psychiatric, psychological or counseling  
9 expenses per eligible claim shall not exceed two thousand five hundred dollars;  
10 or

11 (2) As a result of personal property being seized in an  
12 investigation by law enforcement.

13 2. No compensation shall be paid unless the division of workers'  
14 compensation finds that a crime was committed, that such crime directly resulted  
15 in personal physical injury to, or the death of, the victim, and that police records  
16 show that such crime was promptly reported to the proper authorities. In no case  
17 may compensation be paid if the police records show that such report was made  
18 more than forty-eight hours after the occurrence of such crime, unless the division  
19 of workers' compensation finds that the report to the police was delayed for good  
20 cause. If the victim is under eighteen years of age such report may be made by  
21 the victim's parent, guardian or custodian; by a physician, a nurse, or hospital  
22 emergency room personnel; by the division of family services personnel; or by any  
23 other member of the victim's family. **In the case of a sexual offense, filing**  
24 **a report of the offense to the proper authorities shall include, but not**

25 **be limited to, the filing of the report of the forensic examination by the**  
26 **appropriate medical provider, as defined in section 191.225, RSMo, with**  
27 **the prosecuting attorney of the county in which the alleged incident**  
28 **occurred.**

29           3. No compensation shall be paid for medical care if the service provider  
30 is not a medical provider as that term is defined in section 595.027, and the  
31 individual providing the medical care is not licensed by the state of Missouri or  
32 the state in which the medical care is provided.

33           4. No compensation shall be paid for psychiatric treatment or other  
34 counseling services, including psychotherapy, unless the service provider is a:

35           (1) Physician licensed pursuant to chapter 334, RSMo, or licensed to  
36 practice medicine in the state in which the service is provided;

37           (2) Psychologist licensed pursuant to chapter 337, RSMo, or licensed to  
38 practice psychology in the state in which the service is provided;

39           (3) Clinical social worker licensed pursuant to chapter 337, RSMo; or

40           (4) Professional counselor licensed pursuant to chapter 337, RSMo.

41           5. Any compensation paid pursuant to sections 595.010 to 595.075 for  
42 death or personal injury shall be in an amount not exceeding out-of-pocket loss,  
43 together with loss of earnings or support from gainful employment, not to exceed  
44 two hundred dollars per week, resulting from such injury or death. In the event  
45 of death of the victim, an award may be made for reasonable and necessary  
46 expenses actually incurred for preparation and burial not to exceed five thousand  
47 dollars.

48           6. Any compensation for loss of earnings or support from gainful  
49 employment shall be in an amount equal to the actual loss sustained not to  
50 exceed two hundred dollars per week; provided, however, that no award pursuant  
51 to sections 595.010 to 595.075 shall exceed twenty-five thousand dollars. If two  
52 or more persons are entitled to compensation as a result of the death of a person  
53 which is the direct result of a crime or in the case of a sexual assault, the  
54 compensation shall be apportioned by the division of workers' compensation  
55 among the claimants in proportion to their loss.

56           7. The method and timing of the payment of any compensation pursuant  
57 to sections 595.010 to 595.075 shall be determined by the division.

595.209. 1. The following rights shall automatically be afforded to victims  
2 of dangerous felonies, as defined in section 556.061, RSMo, victims of murder in  
3 the first degree, as defined in section 565.020, RSMo, victims of voluntary

4 manslaughter, as defined in section 565.023, RSMo, and victims of an attempt to  
5 commit one of the preceding crimes, as defined in section 564.011, RSMo; and,  
6 upon written request, the following rights shall be afforded to victims of all other  
7 crimes and witnesses of crimes:

8 (1) For victims, the right to be present at all criminal justice proceedings  
9 at which the defendant has such right, including juvenile proceedings where the  
10 offense would have been a felony if committed by an adult, even if the victim is  
11 called to testify or may be called to testify as a witness in the case;

12 (2) For victims, the right to information about the crime, as provided for  
13 in subdivision (5) of this subsection;

14 (3) For victims and witnesses, to be informed, in a timely manner, by the  
15 prosecutor's office of the filing of charges, preliminary hearing dates, trial dates,  
16 continuances and the final disposition of the case. Final disposition information  
17 shall be provided within five days;

18 (4) For victims, the right to confer with and to be informed by the  
19 prosecutor regarding bail hearings, guilty pleas, pleas under chapter 552, RSMo,  
20 or its successors, hearings, sentencing and probation revocation hearings and the  
21 right to be heard at such hearings, including juvenile proceedings, unless in the  
22 determination of the court the interests of justice require otherwise;

23 (5) The right to be informed by local law enforcement agencies, the  
24 appropriate juvenile authorities or the custodial authority of the following:

25 (a) The status of any case concerning a crime against the victim, including  
26 juvenile offenses;

27 (b) The right to be informed by local law enforcement agencies or the  
28 appropriate juvenile authorities of the availability of victim compensation  
29 assistance, assistance in obtaining documentation of the victim's losses, including,  
30 but not limited to and subject to existing law concerning protected information  
31 or closed records, access to copies of complete, unaltered, unedited investigation  
32 reports of motor vehicle, pedestrian, and other similar accidents upon request to  
33 the appropriate law enforcement agency by the victim or the victim's  
34 representative, and emergency crisis intervention services available in the  
35 community;

36 (c) Any release of such person on bond or for any other reason;

37 (d) Within twenty-four hours, any escape by such person from a municipal  
38 detention facility, county jail, a correctional facility operated by the department  
39 of corrections, mental health facility, or the division of youth services or any

40 agency thereof, and any subsequent recapture of such person;

41 (6) For victims, the right to be informed by appropriate juvenile  
42 authorities of probation revocation hearings initiated by the juvenile authority  
43 and the right to be heard at such hearings or to offer a written statement, video  
44 or audio tape, **or a statement by counsel or a representative designated**  
45 **by the victim on behalf of the victim** in lieu of a personal appearance, the  
46 right to be informed by the board of probation and parole of probation revocation  
47 hearings initiated by the board and of parole hearings, the right to be present at  
48 each and every phase of parole hearings [and], the right to be heard at probation  
49 revocation and parole hearings or to offer a written statement, video or audio tape  
50 in lieu of a personal appearance, **and the right to have, upon written**  
51 **request of the victim, a partition set up in the probation or parole**  
52 **hearing room in such a way that the victim is shielded from the view**  
53 **of the probationer or parolee**, and the right to be informed by the custodial  
54 mental health facility or agency thereof of any hearings for the release of a person  
55 committed pursuant to the provisions of chapter 552, RSMo, the right to be  
56 present at such hearings, the right to be heard at such hearings or to offer a  
57 written statement, video or audio tape, **or a statement by counsel or a**  
58 **representative designated by the victim** in lieu of personal appearance;

59 (7) For victims and witnesses, upon their written request, the right to be  
60 informed by the appropriate custodial authority, including any municipal  
61 detention facility, juvenile detention facility, county jail, correctional facility  
62 operated by the department of corrections, mental health facility, division of  
63 youth services or agency thereof if the offense would have been a felony if  
64 committed by an adult, postconviction or commitment pursuant to the provisions  
65 of chapter 552, RSMo, of the following:

66 (a) The projected date of such person's release from confinement;

67 (b) Any release of such person on bond;

68 (c) Any release of such person on furlough, work release, trial release,  
69 electronic monitoring program, or to a community correctional facility or program  
70 or release for any other reason, in advance of such release;

71 (d) Any scheduled parole or release hearings, including hearings under  
72 section 217.362, RSMo, regarding such person and any changes in the scheduling  
73 of such hearings. No such hearing shall be conducted without thirty days'  
74 advance notice;

75 (e) Within twenty-four hours, any escape by such person from a municipal

76 detention facility, county jail, a correctional facility operated by the department  
77 of corrections, mental health facility, or the division of youth services or any  
78 agency thereof, and any subsequent recapture of such person;

79 (f) Any decision by a parole board, by a juvenile releasing authority or by  
80 a circuit court presiding over releases pursuant to the provisions of chapter 552,  
81 RSMo, or by a circuit court presiding over releases under section 217.362, RSMo,  
82 to release such person or any decision by the governor to commute the sentence  
83 of such person or pardon such person;

84 (g) Notification within thirty days of the death of such person;

85 (8) For witnesses who have been summoned by the prosecuting attorney  
86 and for victims, to be notified by the prosecuting attorney in a timely manner  
87 when a court proceeding will not go on as scheduled;

88 (9) For victims and witnesses, the right to reasonable protection from the  
89 defendant or any person acting on behalf of the defendant from harm and threats  
90 of harm arising out of their cooperation with law enforcement and prosecution  
91 efforts;

92 (10) For victims and witnesses, on charged cases or submitted cases where  
93 no charge decision has yet been made, to be informed by the prosecuting attorney  
94 of the status of the case and of the availability of victim compensation assistance  
95 and of financial assistance and emergency and crisis intervention services  
96 available within the community and information relative to applying for such  
97 assistance or services, and of any final decision by the prosecuting attorney not  
98 to file charges;

99 (11) For victims, to be informed by the prosecuting attorney of the right  
100 to restitution which shall be enforceable in the same manner as any other cause  
101 of action as otherwise provided by law;

102 (12) For victims and witnesses, to be informed by the court and the  
103 prosecuting attorney of procedures to be followed in order to apply for and receive  
104 any witness fee to which they are entitled;

105 (13) When a victim's property is no longer needed for evidentiary reasons  
106 or needs to be retained pending an appeal, the prosecuting attorney or any law  
107 enforcement agency having possession of the property shall, upon request of the  
108 victim, return such property to the victim within five working days unless the  
109 property is contraband or subject to forfeiture proceedings, or provide written  
110 explanation of the reason why such property shall not be returned;

111 (14) An employer may not discharge or discipline any witness, victim or

112 member of a victim's immediate family for honoring a subpoena to testify in a  
113 criminal proceeding, **attending a criminal proceeding**, or for participating in  
114 the preparation of a criminal proceeding, **or require any witness, victim, or**  
115 **member of a victim's immediate family to use vacation time, personal**  
116 **time, or sick leave for honoring a subpoena to testify in a criminal**  
117 **proceeding, attending a criminal proceeding, or participating in the**  
118 **preparation of a criminal proceeding;**

119 (15) For victims, to be provided with creditor intercession services by the  
120 prosecuting attorney if the victim is unable, as a result of the crime, temporarily  
121 to meet financial obligations;

122 (16) For victims and witnesses, the right to speedy disposition of their  
123 cases, and for victims, the right to speedy appellate review of their cases,  
124 provided that nothing in this subdivision shall prevent the defendant from having  
125 sufficient time to prepare such defendant's defense. The attorney general shall  
126 provide victims, upon their written request, case status information throughout  
127 the appellate process of their cases. The provisions of this subdivision shall apply  
128 only to proceedings involving the particular case to which the person is a victim  
129 or witness;

130 (17) For victims and witnesses, to be provided by the court, a secure  
131 waiting area during court proceedings and to receive notification of the date, time  
132 and location of any hearing conducted by the court for reconsideration of any  
133 sentence imposed, modification of such sentence or recall and release of any  
134 defendant from incarceration.

135 2. The provisions of subsection 1 of this section shall not be construed to  
136 imply any victim who is incarcerated by the department of corrections or any local  
137 law enforcement agency has a right to be released to attend any hearing or that  
138 the department of corrections or the local law enforcement agency has any duty  
139 to transport such incarcerated victim to any hearing.

140 3. Those persons entitled to notice of events pursuant to the provisions of  
141 subsection 1 of this section shall provide the appropriate person or agency with  
142 their current addresses and telephone numbers or the addresses or telephone  
143 numbers at which they wish notification to be given.

144 4. Notification by the appropriate person or agency utilizing the statewide  
145 automated crime victim notification system as established in section 650.310,  
146 RSMo, shall constitute compliance with the victim notification requirement of this  
147 section. If notification utilizing the statewide automated crime victim notification

148 system cannot be used, then written notification shall be sent by certified mail  
149 to the most current address provided by the victim.

150           5. Victims' rights as established in section 32 of article I of the Missouri  
151 Constitution or the laws of this state pertaining to the rights of victims of crime  
152 shall be granted and enforced regardless of the desires of a defendant and no  
153 privileges of confidentiality shall exist in favor of the defendant to exclude victims  
154 or prevent their full participation in each and every phase of parole hearings or  
155 probation revocation hearings. The rights of the victims granted in this section  
156 are absolute and the policy of this state is that the victim's rights are paramount  
157 to the defendant's rights. The victim has an absolute right to be present at any  
158 hearing in which the defendant is present before a probation and parole hearing  
159 officer.

✓

Bill

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